

REMARKS

Claims 1-36 are pending in the instant application. Claims 27 and 28 have been withdrawn under 37 C.F.R. 1.142(b) pursuant to a restriction requirement. Claims 1-26 have been rejected under 35 U.S.C. 101. Claims 1-21 and 29-36 have been rejected under 35 U.S.C. 102(b). The Examiner has objected to claims 22-26 as being dependent upon a rejected base claim, but indicates these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants gratefully acknowledge the Examiner's indication of allowability with respect to claims 22-26. Claims 1-21, 23-26, and 29 have been amended. Claim 22 has been cancelled. New claim 37 has been added. The Applicants submit that claims 1-21, 23-26, and 29-37 are in condition for allowance and request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC § 101

Claims 1-26 and 29-36 have been rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. With respect to claims 1, 9, and 29, the Examiner states that the multi-dimensional commodity model and commodity hierarchy data structures recited therein are, per se, non-statutory subject matter. The Applicants have amended claims 1-8 to recite a computer-implemented method for creating a commodity hierarchy data structure. Claims 9-21 have been amended to recite a system for implementing a dynamic multi-dimensional commodity modeling process that includes a quality management system and components executing via the quality management system. Each of claims 1, 9, and 29 have been amended to clarify the "useful, concrete, and tangible" results provided by the features recited therein. In particular, the claims have been amended to recite, "invoking an analysis based upon said at least one dimensional attribute" where the dimensional attribute is selectively assigned to a node of the hierarchy. Thus, the Applicants submit that the claims fully comply with the requirements set forth in 35 U.S.C. 101. Reconsideration and withdrawal of the rejections is respectfully requested. No new matter has been entered by these amendments. Support may be found throughout the Applicants' specification and figures, and in particular, e.g., system elements recited in amended claim 9 may be found on pages 6 and 16 and in FIG. 1.

The system components are described on pages 6-9.

Claim Rejections Under 35 USC § 102

Claims 1-21, and 29-36 have been rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Uehara et al. (U.S. Patent No. 6,338,053, hereinafter, “Uehara”). The Examiner has stated in the Office Action that claims 22-26 recite features that are not disclosed in Uehara. Claim 22 has been canceled by this amendment. The features recited in claim 22 have been incorporated into independent claims 1, 9, and 29. In particular, claims 1, 9, and 29 now recite, *inter alia*, “selectively assigning at least one dimensional attribute to a node; wherein dimensional attributes include at least one of: a performance tolerance; a noise filter; an oscillation threshold or trend; consecutive trending; and negative performance threshold.” As indicated by the Examiner, these features are not taught by Uehara or in the art as a whole. For at least this reason, the Applicants submit that claims 1, 9, and 29 are not anticipated by Uehara. It is believed that claims 1, 9, and 29 are in condition for allowance. Claims 2-8, 10-21, 23-26, and 30-37 are also in condition for allowance at least due to their dependencies upon allowable base claims. In addition, new claim 37 recites features provided in claims 23-26. Thus, no new matter has been entered by new claim 37. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-21, 23-26, and 29-37 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

CANTOR COLBURN LLP

By /Marisa J. Dubuc/
Marisa J. Dubuc
Registration No. 46,673
Customer No. 48915

Date: October 31, 2006

Address: 55 Griffin Road South
Bloomfield, CT 06002

Telephone: (860) 286-2929

Fax: (860) 286-0115